

Division 3. Air Resources Board

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Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

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Article 1. Small Off-Road Engines

**§ 2405. Defects Warranty Requirements for 1995 and Later Small Off-Road Engines.**

(a) Applicability. This section applies to 1995 and later small off-road engines. The warranty period begins on the date the engine or equipment is delivered to an ultimate purchaser.

(b) General Emissions Warranty Coverage. The manufacturer of each small off-road engine must warrant to the ultimate purchaser and each subsequent purchaser that the engine is:

(1) Designed, built, and equipped so as to conform with all applicable regulations adopted by the Air Resources Board pursuant to its authority in Chapters 1 and 2, Part 5, Division 26 of the Health and Safety Code; and

(2) Free from defects in materials and workmanship that cause the failure of a warranted part to be identical in all material respects to the part as described in the engine manufacturer's application for certification for a period of two years.

(c) The warranty on emissions-related parts will be interpreted as follows:

(1) Any warranted part that is not scheduled for replacement as required maintenance in the written instructions required by Subsection (d) must be warranted for the warranty period defined in Subsection (b)(2). If any such part fails during the period of warranty coverage, it must be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under the warranty must be warranted for the remaining warranty period.

(2) Any warranted part that is scheduled only for regular inspection in the written instructions required by Subsection

(d) must be warranted for the warranty period defined in Subsection (b)(2). A statement in such written instructions to the effect of "repair or replace as necessary" will not reduce the period of warranty coverage. Any such part repaired or replaced under warranty must be warranted for the remaining warranty period.

(3) Any warranted part that is scheduled for replacement as required maintenance in the written instructions required by Subsection (d) must be warranted for the period of time prior to the first scheduled replacement point for that part. If the part fails prior to the first scheduled replacement, the part must be repaired or replaced by the engine manufacturer according to Subsection (4) below. Any such part repaired or replaced under warranty must be warranted for the remainder of the period prior to the first scheduled replacement point for the part.

(4) Repair or replacement of any warranted part under the warranty provisions of this article must be performed at no charge to the owner at a warranty station.

(5) Notwithstanding the provisions of Subsection (4) above, warranty services or repairs must be provided at all manufacturer distribution centers that are franchised to service the subject engines.

(6) The owner must not be charged for diagnostic labor that leads to the determination that a warranted part is in fact defective, provided that such diagnostic work is performed at a warranty station.

(7) The engine manufacturer is liable for damages to other engine components proximately caused by a failure under warranty of any warranted part.

(8) Throughout the engine's warranty period defined in Subsection (b)(2), the engine manufacturer must maintain a supply of warranted parts sufficient to meet the expected demand for such parts.

(9) Any replacement part may be used in the performance of any warranty maintenance or repairs and must be provided without charge to the owner. Such use will not reduce the warranty obligations of the engine manufacturer.

(10) Add-on or modified parts that are not exempted by the Air Resources Board may not be used. The use of any non-exempted add-on or modified parts will be grounds for disallowing a warranty claim made in accordance with this article. The engine manufacturer will not be liable under this article to warrant failures of warranted parts caused by the use of a non-exempted add-on or modified part.

(11) The Executive Officer may request and, in such case, the engine manufacturer must provide, any documents that describe that manufacturer's warranty procedures or policies.

(d) Each manufacturer must include a copy of the following emission warranty parts list with each new engine, using those portions of the list applicable to the engine.

(1) Fuel Metering System

(i) Carburetor and internal parts (and/or pressure regulator or fuel injection system).

(ii) Air/fuel ratio feedback and control system.

(iii) Cold start enrichment system.

(2) Air Induction System

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(i) Controlled hot air intake system.

(ii) Intake manifold.

(iii) Air filter.

(3) Ignition System

(i) Spark Plugs.

(ii) Magneto or electronic ignition system.

(iii) Spark advance/retard system.

(4) Exhaust Gas Recirculation (EGR) System

(i) EGR valve body, and carburetor spacer if applicable.

(ii) EGR rate feedback and control system.

(5) Air injection System

(i) Air pump or pulse valve.

(ii) Valves affecting distribution of flow.

(iii) Distribution manifold.

(6) Catalyst or Thermal Reactor System

(i) Catalytic converter.

(ii) Thermal reactor.

(iii) Exhaust manifold.

(7) Particulate Controls

(i) Traps, filters, precipitators, and any other device used to capture particulate emissions.

(8) Miscellaneous items Used in Above Systems

(i) Vacuum, temperature, and time sensitive valves and switches.

(ii) Electronic controls.

(iii) Hoses, belts, connectors, and assemblies.

(e) Each manufacturer must furnish with each new engine written instructions for the maintenance and use of the engine by the owner. The instructions must be consistent with this article and applicable regulations contained herein.

(f) Each engine manufacturer must submit the documents required by Subsection (d) with the engine manufacturer's application for engine certification for approval by the Executive Officer. Approval by the Executive Officer of the documents required by Subsection (d) is a condition of certification. The Executive Officer will approve or disapprove the documents required by Subsection (d) within 90 days of the date such documents are received from the engine manufacturer. Any disapproval must be accompanied by a statement of the reasons thereof. In the event of disapproval, the engine manufacturer may file for an adjudicative hearing pursuant to Title 17, California Code of Regulations, Section 60040 et seq., to review the decision of the Executive Officer.

(g) In the application for engine certification, each engine manufacturer must include a statement regarding the maintenance of the engine for clean air. The statement must include, but not be limited to, information on carburetor adjustment, air filter care and replacement schedule, spark plug maintenance and inspection, proper fuel/oil ratio for low emissions, use of appropriate fuel, proper fueling and fuel mixing, proper method of disposing of oil and oil containers, engine maintenance, and a maintenance schedule to ensure that the owner returns to a servicing center to check for deposits, debris build-up, etc.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

**REFERENCE**